



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 07886-98  
5 June 2000

LCDR [REDACTED] SC USNR  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Com [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 8 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Contrary to the advisory opinion, the Board found your failure of selection by the Fiscal Year (FY) 98 Active Staff Lieutenant Commander Selection Board was a material matter warranting corrective action, if it could be shown to have been erroneous or unjust, as removing it could help to support a request to backdate your promotion to FY 98. However, they could find nothing erroneous or unjust about the contested failure of selection. They found you voluntarily extended on active duty to accommodate your command, so it was proper for you to be considered by the promotion board. Further, they were unable to find your approved orders for release from active duty denied you fair consideration for promotion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
Ser 85/095  
8 Jun 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: <sup>LT</sup> LCDR [REDACTED] C, USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned.

2. LCDR [REDACTED] selected by the FY-99 Naval Reserve Lieutenant Commander [REDACTED] Promotion Selection Board. He was selected by the first reserve promotion selection board to review his record. His failure before the FY-98 Active Line Promotion Selection Board is not information considered by the reserve board, and he was selected upon his initial consideration in the Naval Reserve.

3. Recommend no action.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division